

## Mine Safety and Health Admin., Labor

§ 77.404

429f or J 429g and J 995, J 995a or J 995b).

(e) *Mobile equipment manufactured prior to September 1, 1974 meeting certain existing governmental requirements for ROPS.* Mobile equipment described in paragraph (a) of this section, manufactured prior to September 1, 1974 and already equipped with ROPS, shall be deemed in compliance with this section if it meets the ROPS requirements of the State of California, the U.S. Army Corps of Engineers, the Bureau of Reclamation of the U.S. Department of the Interior in effect on April 5, 1972, or the Occupational Safety and Health Administration, U.S. Department of Labor. The requirements in effect are:

(1) State of California: Construction Safety Orders 1591(i), 1596, and Logging and Sawmill Safety Order 5243, issued by the Department of Industrial Relations pursuant to Division 5, Labor Code § 6312, State of California;

(2) U.S. Army Corps of Engineers: Safety—General Safety Requirements, EM-385-1-1 (March 1967);

(3) Bureau of Reclamation, U.S. Department of the Interior: Safety and Health Regulations for Construction, Part II (September 1971); and

(4) Occupational Safety and Health Administration, U.S. Department of Labor: Safety and Health Regulations for Construction, 29 CFR 1926.1001 and 1926.1002.

(f) Field welding on ROPS shall be performed by welders who are certified by the coal mine operator or equipment distributor as being qualified in accordance with the American Welding Society Structural Welding Code AWS D1.1-73, or Military Standard MIL-STD 248, or the equivalent thereof.

(g) Seat belts required by § 77.1710(i) shall be worn by the operator of mobile equipment required to be equipped with ROPS by § 77.403-1.

(Sec. 101(a), Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(a))

[39 FR 24007, June 28, 1974. Redesignated and amended at 71 FR 16669, Apr. 3, 2006]

### § 77.403-2 Incorporation by reference.

In accordance with 5 U.S.C. 552(a), the publications to which references are made in §§ 77.403 and 77.403-1 and which have been prepared by organiza-

tions other than the Mine Safety and Health Administration (MSHA), are hereby incorporated by reference and made a part hereof. The incorporated publications are available at each MSHA Coal Mine Safety and Health district office of MSHA. The U.S. Army Corps of Engineers, Safety—General Safety Requirements and the Occupational Safety and Health Administration regulations are also available from the Information Dissemination (Superintendent of Documents), P.O. Box 371954, Pittsburgh, PA 15250-7954; Telephone: 866-512-1800 (toll free) or 202-512-1800; <http://bookstore.gpo.gov>. Bureau of Reclamation Safety and Health Regulations for Construction are available from the Bureau of Reclamation, Division of Safety, Engineering and Research Center, Denver, Colorado. SAE documents are available from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096. American Welding Society Structural Welding Code D1-1-73 is available from the American Welding Society, Inc., 550 N.W. LeJeune Road, Miami, FL 33126. Military Standard MIL-STD 248 is available from the U.S. Government Printing Office, Washington, DC 20202.

(Sec. 101(a), the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 U.S.C. 811(a))

[39 FR 24008, June 28, 1974, as amended at 60 FR 35695, July 11, 1995. Redesignated and amended at 71 FR 16669, Apr. 3, 2006]

### § 77.404 Machinery and equipment; operation and maintenance.

(a) Mobile and stationary machinery and equipment shall be maintained in safe operating condition and machinery or equipment in unsafe condition shall be removed from service immediately.

(b) Machinery and equipment shall be operated only by persons trained in the use of and authorized to operate such machinery or equipment.

(c) Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

(d) Machinery shall not be lubricated while in motion where a hazard exists,